

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of ) Examiner: Not yet assigned  
Burbank et al. )  
 ) Group Art Unit: Not yet assigned  
For: **TISSUE SITE MARKERS FOR** )  
 **IN VIVO IMAGING** )  
Serial No.: Not Yet Assigned )  
Filed: Concurrently ) **REQUEST FOR FILING A**  
 ) **CONTINUATION APPLICATION**  
 ) **UNDER 37 C.F.R. § 1.53(b)**  
Docket No.: R0367.01601 )

22154 U.S. PTO  
10/658911  
09/10/03

Express Mail Label No.: EL 203892996 US  
Mailed in San Francisco, CA on: 9/10/03

Mail Stop **PATENT APPLICATION**  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The PTO did not receive the following  
listed item(s) PAGE 7 OF  
DRAWINGS

Dear Sir:

This is a request for filing a continuation application under 37 C.F.R. § 1.53(b), of copending application Serial No. 09/717,909, of Fred H. Burbank et al., for **TISSUE SITE MARKERS FOR IN VIVO IMAGING**, filed on November 20, 2000, which is a continuation-in-part of then copending applications Serial No. 09/241,936, filed on February 2, 1999, now U.S. Patent No. 6, 161,034, and Serial No. 09/343,975, filed on June 30, 1999, now U.S. Patent No. 6,347,241.

1. Enclosed is a true copy of the prior complete application including: the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed; as filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior U.S. patent application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

☒ the same as those named in the prior application.

☐ less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:

☒ amendment below;

☒ attached Preliminary Amendment.

Description	Claims	Extra	Rate	Fee Code	Fee
Basic Filing Fee				2001	\$375.
Independent Claims	2-3	0	\$42	2201	\$-0-
Total Claims	3-20	0	\$9	2202	\$-0-

**Total Filing Fee \$375.**

4. Please cancel in this application claims 2-41 as originally filed in the parent application.

5. Payment of Filing Fees:

☒ The filing fee is not enclosed herewith.

☒ The Commissioner is authorized to charge any fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 04-1679, referencing Atty. Docket No. R0367.01601. A duplicate copy of this sheet is attached.

6. The prior application is assigned of record to: **SenoRx, Inc.**

7. The power of attorney in the prior application is to: **Edward J. Lynch.**

☒ The power appears in the original papers in the prior application.

☐ A Power of Attorney and Revocation of Prior Powers is enclosed.

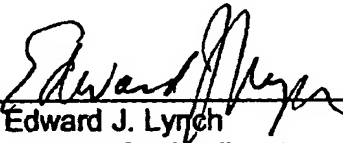
8. Please address all future correspondence to:

**Edward J. Lynch  
DUANE MORRIS LLP  
One Market  
Spear Tower, Suite 2000  
San Francisco, CA 94105**

9. Documents enclosed:

- ☒ Copy of prior complete application as filed including the specification (30 pages including the cover sheet), claims (8 pages), and abstract (1 page); Formal Drawings (8 sheets); signed Declaration and Power of Attorney (4 pages total).
- ☒ Copy of signed Assignment (3 pages total) and PTO Form-1595 (1 page) as filed in the prior application.
- ☒ Preliminary Amendment and Information Disclosure Statement and form PTO-1449.
- ☒ Associate Power of Attorney and Change of Correspondence Address.
- ☒ Return receipt postcard.

Respectfully submitted,

By:   
Edward J. Lynch  
Attorney for Applicants  
Registration No. 24,422

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Dear Sir:

Please address future correspondence for this application as follow:

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Respectfully submitted,

By: 

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Attorney for Applicants

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